

SENATE BILL 161

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 2; Title 3; Title 4 and Title 8, relative to abolishing the Tennessee ethics commission, transferring the powers and duties of the Tennessee ethics commission to the registry of election finance and renaming the registry of election finance.

WHEREAS, during the current economic downturn, when so many citizens of the state are forced by circumstances to do without, reducing spending and increasing the efficiency of state government must be of the highest priority; and

WHEREAS, many of the powers and duties of the Tennessee ethics commission and the registry of election finance are redundant or are so alike in purpose that they could be most efficiently and effectively accomplished by one agency; now therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-3-104, is amended by adding the following language as a new, appropriately designated subsection:

(_) References to the registry of election finance or references to the Tennessee ethics commission are deemed references to the commission of ethics and election finance.

SECTION 2. Tennessee Code Annotated, Section 4-29-229(a), is amended by deleting subdivision (82).

SECTION 3. Tennessee Code Annotated, Section 4-29-230(a), is amended by deleting subdivision (54) in its entirety and by substituting instead the following language:

(54) The commission of ethics and election finance, created by § 2-10-203;

SECTION 4. Tennessee Code Annotated, Section 2-7-133(i), is amended by deleting the language “registry of election finance” and by substituting instead the language “commission of ethics and election finance”.

SECTION 5. Tennessee Code Annotated, Title 2, Chapter 10, is amended by deleting the language “registry of election finance” or the language “Tennessee ethics commission” wherever it may appear and by substituting instead the language “commission of ethics and election finance” and by deleting the language “registry” or the language “ethics commission” wherever it may appear and by substituting instead the language “commission”.

SECTION 6. Tennessee Code Annotated, Title 3, Chapter 6, is amended by deleting the language “Tennessee ethics commission” or “ethics commission” wherever such language may appear and by substituting instead the language “commission of ethics and election finance”.

SECTION 7. Tennessee Code Annotated, Title 8, Chapter 50, Part 5, is amended by deleting the language “Tennessee ethics commission” or “ethics commission” wherever such language may appear and by substituting the language “commission of ethics and election finance”.

SECTION 8. References to the registry of election finance and references to the Tennessee ethics commission appearing in the Tennessee Code Annotated shall be deemed to be references to the commission of ethics and election finance. The code commission is directed to change such references in the Tennessee Code Annotated as supplements are published and volumes are replaced. The code commission is authorized to make grammatical changes in the provisions of the Tennessee Code to effectuate such changes.

SECTION 9. Tennessee Code Annotated, Section 3-6-101, is amended by deleting such section in its entirety and substituting instead the following:

This chapter shall be known and may be cited as the “Governmental Ethics Reform Act”.

SECTION 10. Tennessee Code Annotated, Section 3-6-103, is amended by deleting such section in its entirety.

SECTION 11. Tennessee Code Annotated, Section 3-6-104, is amended by deleting such section in its entirety.

SECTION 12. Tennessee Code Annotated, Section 3-6-105, is amended by deleting subsection (e).

SECTION 13. Tennessee Code Annotated, Section 3-6-108, is amended by adding the language “pursuant to this chapter” immediately after the language “investigations”.

SECTION 14. Tennessee Code Annotated, Section 3-6-116, is amended by deleting such section in its entirety.

SECTION 15. Tennessee Code Annotated, Section 3-6-203(a), is amended by deleting the last sentence of the subsection in its entirety.

SECTION 16. Tennessee Code Annotated, Title 3, Chapter 6, Part 2, is amended by adding the following language as a new section:

§ 3-6-210.

The provisions of §§ 3-6-201 through 3-6-203 shall apply to a complaint alleging a violation of matters within the jurisdiction of the commission pursuant to § 3-6-105.

SECTION 17. Tennessee Code Annotated, Section 8-50-501(a), is amended by deleting subdivisions (17) and (18) and by adding the following as a new, appropriately designated subdivision thereto:

(___) The commission of ethics and election finance;

SECTION 18. Tennessee Code Annotated, Section 8-50-505, is amended by deleting the section in its entirety and by substituting instead the following language:

§ 8-50-505.

The commission of ethics and election finance has the jurisdiction to administer and enforce the provisions of this part concerning disclosure statements of conflicts of interests. This enforcement power includes the full range of powers and penalties and procedures established in title 2, chapter 10 and title 3, chapter 6.

SECTION 19. Tennessee Code Annotated, Section 2-10-108(b), is amended by designating the existing language as subdivision (1) and by adding the following language as subdivision (2):

(2)

(A) Any sworn complaint that is filed against a candidate in any state election, as defined in § 2-10-102, during the period from thirty (30) days immediately prior to the election through election day shall be considered filed but the commission of ethics and election finance shall take no action relative to the complaint during this thirty-day period. In addition, the commission shall not initiate a complaint during the thirty-day period.

(B) During the thirty-day period, the commission shall stay any proceedings with regard to a complaint filed against a candidate more than thirty (30) days prior to voting for the election; provided, that the candidate may waive the postponement in writing.

(C) For purposes of this subdivision (b)(2), any provisions of this chapter setting time periods for initiating a sworn complaint or for performing any other action are considered tolled until after the election at which the candidate stands for elective office.

SECTION 20. Tennessee Code Annotated, Section 2-10-204(a), is amended by deleting the language "a full-time executive director" and by substituting instead the language

"one (1) full-time executive director" in the first sentence of the subsection and is further amended by inserting the following language immediately following the first sentence of the subsection:

The executive director shall perform all supervisory and administrative duties required by the provisions of the statutes within the jurisdiction of the commission of ethics and election finance.

SECTION 21. It is the intent of the general assembly that the current registry of election finance shall be the commission of ethics and election finance. It is the intent of the general assembly that the executive director of the commission of ethics and election finance, currently the executive director of the registry of election finance, shall perform the new supervisory and administrative duties required of the executive director by this act. It is the intent of the general assembly that any staff additional to the current staff of the registry of election finance required by the commission of ethics and election finance shall be employed on recommendation of the executive director of the commission of ethics and election finance with the approval of such commission.

SECTION 22. This act shall take effect July 1, 2009, the public welfare requiring it.